

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Eva KONTSEKOVA

Serial No.: 10/521,140

Filed: 10/31/2005

For: TRUNCATED TAU PROTEINS

Group Art Unit: 1649

Examiner: Chernyshev, Olga N.

Atty. Dkt. No.: SONN:065US

Confirmation No.: 5448

**CERTIFICATE OF ELECTRONIC SUBMISSION**

DATE OF SUBMISSION: December 30, 2007

**REQUEST FOR REFUND OF IMPROPER ADDITIONAL CLAIMS FEE  
CHARGED TO DEPOSIT ACCOUNT**

**MAIL STOP 16 - Refund Branch**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

This is a request for a refund of \$1,575.00 in the above-identified application which was improperly charged to Fulbright & Jaworski L.L.P. Deposit Account No.: 50-1212. This charge is shown on page 3, SEQ. 6 and 7, of the monthly Deposit Account statement for January 2006 (copy attached as Appendix A). This request for refund is being made within two years of the date of the deposit account statement indicating such charge pursuant to 37 C.F.R. 1.26(b).

The fees charged for which this refund is requested were for fee code 2614, extra Independent Claims over three (National Stage), in the amount of \$100.00, and fee code 2615, extra claims over 20 (National Stage), in the amount of \$1475.00. Applicant believes the Office has made in mistake in calculating the claims fees. It appears that the Office calculated the claims fees based on the claims of the PCT application, which contained 23 claims, many of which were multiple dependent (see worksheets from PAIR prepared by Pat Booker of the PTO 55179101.1

on January 12, 2005, the date of filing of this National Stage application, copy attached as Appendix B). However, Applicants filed a Preliminary Amendment concurrently with this application on January 12, 2005 (copy attached as Appendix C), cancelling claims 1-23 of the PCT application and adding new claims 24-34, none of which were multiple dependent claims, resulting in 11 total claims present on the date of entry into the National Stage. Since the National Stage claim fees should have been based on the number of claims present after entry of the Preliminary Amendment (as set forth in the PCT Applicant's Guide, Vol. II, National Chapter - US, paragraph US.13, which states: "The number of additional claims for fee purposes must be computed on the basis of the claims valid at the beginning of the national phase (that is where amendments have been filed, the claims as amended under PCT Article 19 or PCT Rule 66.1, 66.3 and 66.4 *or the claims as submitted in a preliminary amendment by the applicant upon entering the national phase...*)", emphasis added), the National Stage claim fees should have been calculated based on 11 total claims and 3 independent claims (also reflected in the Transmittal Letter to the United States Designated/Elected Office Concerning a Submission under 35 U.S.C. 371 filed by Applicant on January 12, 2005, copy attached as Appendix D).

Therefore, the \$1,575.00 charge for additional claims is improper and should be refunded. The Commissioner is hereby requested to make this refund by crediting Fulbright & Jaworski L.L.P. Deposit Account No.: 50-1212/SONN:065US in the amount of \$1,575.00.

Respectfully submitted,

/Mark B. Wilson/

Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3035 (voice)  
512.536.4598 (fax)  
Date: December 30, 2007

## **APPENDIX A**



**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** January 2006  
**Deposit Account Number:** 501212  
**Name:** FULBRIGHT & JAWORSKI, LLP  
**Attention:** ROSE MARY GARZA  
**Address:** 600 CONGRESS AVENUE  
**City:** AUSTIN  
**State:** TX  
**Zip:** 78701  
**Country:** UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	108	0155170459	CLFR:236ZA	8014	\$25.00	\$55,118
01/03	482	PCT/US05/46779	AMBI:106WO	1601	\$300.00	\$54,818
01/03	483	PCT/US05/46779	AMBI:106WO	1704	\$1,877.00	\$52,941
01/03	484	PCT/US05/46779	AMBI:106WO	1702	\$1,102.00	\$51,839
01/03	485	PCT/US05/46779	AMBI:106WO	1703	\$792.00	\$51,047
01/03	486	PCT/US05/46779	AMBI:106WO	8007	\$20.00	\$51,027
01/04	222	10527016	10501772/SONN:067US	8021	\$40.00	\$50,987
01/05	17	10527016	10501772/SONN:067US	8021	\$40.00	\$50,947
01/05	116	10533493	10503278/SONN:070US	8021	\$40.00	\$50,907
01/05	126	60755315	ARBV:002USP1	2005	\$100.00	\$50,807
01/06	48	PCT/US05/47378	IOWA:074WO	1601	\$300.00	\$50,507
01/06	49	PCT/US05/47378	IOWA:074WO	1704	\$1,877.00	\$48,630
01/06	50	PCT/US05/47378	IOWA:074WO	1702	\$1,102.00	\$47,528
01/06	51	PCT/US05/47378	IOWA:074WO	1703	\$1,068.00	\$46,460
01/06	52	PCT/US05/47378	IOWA:074WO	8007	\$20.00	\$46,440
01/06	53	PCT/US05/47377	INGN:121WO	1601	\$300.00	\$46,140
01/06	54	PCT/US05/47377	INGN:121WO	1704	\$1,877.00	\$44,263
01/06	55	PCT/US05/47377	INGN:121WO	1702	\$1,102.00	\$43,161
01/06	56	PCT/US05/47377	INGN:121WO	1703	\$792.00	\$42,369
01/06	57	PCT/US05/47377	INGN:121WO	8007	\$20.00	\$42,349
01/06	72	PCT/US05/47384	BAES:045WO	1601	\$300.00	\$42,049
01/06	73	PCT/US05/47384	BAES:045WO	1704	\$1,877.00	\$40,172
01/06	74	PCT/US05/47384	BAES:045WO	1702	\$1,102.00	\$39,070
01/06	75	PCT/US05/47384	BAES:045WO	1703	\$96.00	\$38,974
01/06	76	PCT/US05/47384	BAES:045WO	8007	\$20.00	\$38,954
01/09	1	PCT/US06/00133	PUTT:001WO	1601	\$300.00	\$38,654
01/09	2	PCT/US06/00133	PUTT:001WO	1704	\$1,871.00	\$36,783
01/09	3	PCT/US06/00133	PUTT:001WO	1702	\$1,086.00	\$35,697

## Deposit Account Statement

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01/09 4	PCT/US06/00133	PUTT:001WO	1703	\$180.00	\$35,517
01/09 5	PCT/US06/00133	PUTT:001WO	8007	\$20.00	\$35,497
01/09 7	10981884	SEMB:009US	1201	\$400.00	\$35,097
01/09 8	10981884	SEMB:009US	1202	\$50.00	\$35,047
01/09 13	09792578	22,272-19	2253	-\$510.00	\$35,557
01/09 195	11326619	TOLB:003RE	2205	\$50.00	\$35,507
01/09 245	PCT/US06/00104	MKAY:061WO	1601	\$300.00	\$35,207
01/09 246	PCT/US06/00104	MKAY:061WO	1602	\$1,000.00	\$34,207
01/09 247	PCT/US06/00104	MKAY:061WO	1702	\$1,086.00	\$33,121
01/09 248	PCT/US06/00104	MKAY:061WO	1703	\$468.00	\$32,653
01/09 249	PCT/US06/00104	MKAY:061WO	8007	\$60.00	\$32,593
01/10 5	PCT/US06/00269	UTFC:900WO	1601	\$300.00	\$32,293
01/10 6	PCT/US06/00269	UTFC:900WO	1704	\$1,871.00	\$30,422
01/10 7	PCT/US06/00269	UTFC:900WO	1702	\$1,086.00	\$29,336
01/10 8	PCT/US06/00269	UTFC:900WO	1703	\$576.00	\$28,760
01/10 9	PCT/US06/00269	UTFC:900WO	8007	\$20.00	\$28,740
01/10 24	11198886	UVMO:037US	2081	\$125.00	\$28,615
01/10 49	6770672	10414144/CLFR:177US	8021	\$40.00	\$28,575
01/10 51	10644418	10414147/CLFR:177USD1	8021	\$40.00	\$28,535
01/10 53	6417223	10414143/CLFR:176US	8021	\$40.00	\$28,495
01/10 57	6645998	10414148/CLFR:176USD1	8021	\$40.00	\$28,455
01/11 1	10395864	INRP:041USD1	1202	\$2,500.00	\$25,955
01/11 207	60642217	MKAY:061AR/I0600097	8007	\$80.00	\$25,875
01/11 208	60667454	MKAY:061AR/I0600097	8007	\$80.00	\$25,795
01/11 209	60669089	MKAY:061AR/I0600097	8007	\$80.00	\$25,715
01/11 326	0164430970	OMRF:027CA	8014	\$25.00	\$25,690
01/12 5	10435804	D5968D/C2	2202	\$100.00	\$25,590
01/12 5	10720987	CLFR:023CN	8014	\$25.00	\$25,565
01/12 6	10435804	D5968D/C2	2814	\$65.00	\$25,500
01/12 6	10720987	CLFR:023CN	8023	\$120.00	\$25,380
01/12 7	10720987	CLFR:023CN	8024	\$40.00	\$25,340
01/12 301	60404994	CLFR:019CN	8007	\$20.00	\$25,320
01/13 58	PCT/US06/00476	AZAY:009WO	1601	\$300.00	\$25,020
01/13 59	PCT/US06/00476	AZAY:009WO	1602	\$1,000.00	\$24,020
01/13 60	PCT/US06/00476	AZAY:009WO	1702	\$1,086.00	\$22,934
01/13 61	PCT/US06/00476	AZAY:009WO	1703	\$144.00	\$22,790
01/13 62	PCT/US06/00476	AZAY:009WO	8007	\$20.00	\$22,770
01/17 1	10735292	LORE:008US	1202	\$2,050.00	\$20,720
01/17 4	10524932	KIRN:002IS	2615	-\$2,300.00	\$23,020
01/17 6	10524932	KIRN:002IS	2614	-\$1,400.00	\$24,420
01/17 7	10524932	KIRN:002IS	2615	\$475.00	\$23,945
01/17 9	10524932	KIRN:002IS	2614	\$200.00	\$23,745
01/17 263	0159680335	10512152/MONS:065CN	8014	\$25.00	\$23,720
01/18 3	11317330	AO-IOWA:074US	2081	\$125.00	\$23,595
01/18 60	60758619	UTSC:929USP1	2005	\$100.00	\$23,495
01/18 77	6680382	ILEX:063AU	8013	\$25.00	\$23,470
01/18 157	10608715	26.2.C94	2252	\$450.00	\$23,020
01/18 553	PCT/US06/00958	UVMO:039WO	1601	\$300.00	\$22,720
01/18 554	PCT/US06/00958	UVMO:039WO	1704	\$1,871.00	\$20,849

## Deposit Account Statement

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01/18 555	PCT/US06/00958	UVMO:039WO	1702	\$1,086.00	\$19,763
01/18 556	PCT/US06/00958	UVMO:039WO	1703	\$84.00	\$19,679
01/18 557	PCT/US06/00958	UVMO:039WO	8007	\$20.00	\$19,659
01/19 6	10521140	<i>S0NN:06S US</i>	2614	\$100.00	\$19,559
01/19 7	10521140	<i>S0NN:06S US</i>	2615	\$1,475.00	\$18,084
01/19 58	PCT/US06/01207	UVMO:040WO	1601	\$300.00	\$17,784
01/19 59	PCT/US06/01207	UVMO:040WO	1704	\$1,871.00	\$15,913
01/19 60	PCT/US06/01207	UVMO:040WO	1702	\$1,086.00	\$14,827
01/19 61	PCT/US06/01207	UVMO:040WO	1703	\$300.00	\$14,527
01/19 62	PCT/US06/01207	UVMO:040WO	8007	\$20.00	\$14,507
01/19 75	E-REPLENISHMENT		9203	-\$33,835.00	\$48,342
01/20 69	11122989	GOUD:048US2	2081	\$125.00	\$48,217
01/20 183	11334169	LORE:014USC1	1202	\$50.00	\$48,167
01/20 286	60760008	ARCD:430USP1	2005	\$100.00	\$48,067
01/20 287	60760008	ARCD:430USP1	2085	\$125.00	\$47,942
01/24 2	09878159	074270000190	2501	-\$665.00	\$48,607
01/24 3	09878159	074270000190	1501	\$665.00	\$47,942
01/24 258	10762762	KEGB:004US	8021	\$40.00	\$47,902
01/25 2	11326619	TOLB:003RE	2205	\$75.00	\$47,827
01/25 13	29187634	RJPD:004USDN	2017	\$100.00	\$47,727
01/25 60	E-REPLENISHMENT		9203	-\$6,718.00	\$54,445
01/26 98	60761612	ARCD:439USP1	2005	\$100.00	\$54,345
01/26 169	10922547	50483-319372	8021	\$200.00	\$54,145
01/26 266	09078972	DEKM:158IND1/10600041	8007	\$20.00	\$54,125
01/26 336	PCT/US06/02255	INGN:132WO	1601	\$300.00	\$53,825
01/26 337	PCT/US06/02255	INGN:132WO	1704	\$1,871.00	\$51,954
01/26 338	PCT/US06/02255	INGN:132WO	1702	\$1,086.00	\$50,868
01/26 339	PCT/US06/02255	INGN:132WO	1703	\$1,656.00	\$49,212
01/26 340	PCT/US06/02255	INGN:132WO	8007	\$40.00	\$49,172
01/27 1	10703187	AZAY:004US	2202	\$9.00	\$49,163
01/27 2	09905670		1201	\$200.00	\$48,963
01/27 5	10349508	REN-00-052-CON	1806	\$180.00	\$48,783
01/27 49	10725946	WARF:008US	2251	\$60.00	\$48,723
01/30 1	10821282	31,625-01RE	1251	\$120.00	\$48,603
01/30 81	60640918	080 11000	8007	\$60.00	\$48,543
01/30 82	60633842	080 11000	8007	\$40.00	\$48,503
01/31 31	0151500479	10513438/MONS:061IN	8014	\$25.00	\$48,478
01/31 96	60762906		9204	-\$25.00	\$48,503
01/31 122	10848820	MYOG:044IN	8007	\$20.00	\$48,483
01/31 123	10848820	MYOG:044IN	8023	\$120.00	\$48,363
01/31 132	10544321	10508163/ESSR:095US	8021	\$40.00	\$48,323

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$55,143.00	\$52,273.00		\$45,453.00 \$48,323.00

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## **APPENDIX B**

*Pat Barker*

PATENT APPLICATION FEE DETERMINATION RECORD  
Effective December 8, 2004

Application or Docket Number

101521140

## CLAIMS AS FILED - PART I

(Column 1)		(Column 2)	SMALL ENTITY TYPE	OTHER THAN SMALL ENTITY
U.S. NATIONAL STAGE FEES				
BASIC FEE	SMALL ENT. = \$ 150	LARGE ENT. = \$ 300	RATE	RATE
EXAMINATION FEE	Satisfies PCT Article 33(1)-(4) = \$ 50 / \$ 100	All other situations = \$ 100 / \$ 200	BASIC FEE	BASIC FEE
SEARCH FEE	U.S. & ISA = \$ 50 / \$ 100 ALL other countries = \$ 200 / \$ 400	All other situations = \$ 250 / \$ 500	EXAM. FEE	EXAM. FEE
FEE FOR EXTRA SPEC. PGS.	minus 100 =	/ 50 =	SEARCH FEE	SEARCH FEE
TOTAL CHARGEABLE CLAIMS	79 minus 20 =	59	X \$ 125 =	X \$ 250 =
INDEPENDENT CLAIMS	4 minus 3 =	1	X \$ 25 =	X \$ 50 =
MULTIPLE DEPENDENT CLAIM PRESENT	<input checked="" type="checkbox"/>		X \$ 100 =	X \$ 200 =
			+ \$ 180 =	+ \$ 360 =
			TOTAL	TOTAL

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ADDITIONAL FEE
	Total	11	Minus	** 79	X \$ 25 =
Independent	1	Minus	*** 4	X \$ 100 =	X \$ 50 =
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+ \$ 180 =	X \$ 200 =
				TOTAL ADDIT. FEE	+ \$ 360 =
					TOTAL ADDIT. FEE

(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ADDITIONAL FEE
	Total	Minus	**	=	X \$ 25 =
Independent	Minus	***	=	X \$ 100 =	X \$ 50 =
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+ \$ 180 =	X \$ 200 =
				TOTAL ADDIT. FEE	+ \$ 360 =
					TOTAL ADDIT. FEE

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
  - \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than "20", enter "20".
  - \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than "3", enter "3".
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET (FOR USE WITH FORM PTO-875)								SERIAL NO. <i>10/521140</i>	FILING DATE <i>[Redacted]</i>				
								APPLICANT(S) <i>[Redacted]</i>					
CLAIMS													
	AS FILED		AFTER 1 <sup>ST</sup> AMENDMENT		AFTER 2 <sup>ND</sup> AMENDMENT			AS FILED		AFTER 1 <sup>ST</sup> AMENDMENT		AFTER 2 <sup>ND</sup> AMENDMENT	
	IND.	DEP.	IND.	DEP.	IND.	DEP.		IND.	DEP.	IND.	DEP.	IND.	DEP.
1	/						51						
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48							98						
49							99						
50							100						
TOTAL IND.	4						TOTAL IND.						
TOTAL DEP.	75						TOTAL DEP.						
TOTAL CLAIMS	79						TOTAL CLAIMS						

# DO/ EO WORKSHEET

Patricia Booker Paralegal/ National Stage Division

U.S. Appl. No. \_\_\_\_\_

International Appl. No. \_\_\_\_\_

*EP03/07389*

Application filed by :  20 months  30 months

## WIPO PUBLICATION INFORMATION :

Publication No.: WO *2004/087547*

Publication Language :  English  German  Japanese  Chinese  Korean  
 French  Spanish  Russian  Other : \_\_\_\_\_

Publication Date : *22 Jan 2004*

Not Published :  U.S. only designated  EP request

Published :  EP request

## INTERNATIONAL APPLICATION PAPERS IN THE APPLICATION FILE :

- International Application (RECORD COPY)
- Article 19 Amendments
- PCT/IPEA/409 IPER :  EP  JP  SE  AU  
 US  FR  CN  ES  RU  AT  KR \_\_\_\_\_  
 PCT/IPEA/409 IPER was NOT AVAILABLE at the time of paralegal review
- Annexes to 409
- Priority Document (s) No. *1*

- PCT/IB/331
- Request form PCT/RO/101
- PCT/ISA/210 - Search Report :  EP  JP  SE  AU  
 US  FR  CN  ES  RU  AT  KR  OTHER \_\_\_\_\_  
 NONE
- Search Report References
- Other : *308, 382, 304, 306*

## RECEIPTS FROM THE APPLICANT (other than checked above) :

- Basic National Fee (*or authorization to charge*)
- Description  Claims  Abstract *79/4*
- Drawing Figure(s) - (# of drwgs. *20*)
- Translation of Article 19 Amendments
  - entered  not entered :
    - not a page for page substitution
    - replaced by Article 34 Amendment
- Annexes to 409
  - entered  not entered :
    - not a page for page substitution
    - no translation  other : \_\_\_\_\_
- Application Data Sheet *Assigned Info*
- Power of Attorney/ Change of Address *31 Oct 2005*

- Preliminary Amendment(s) Filed on : 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_
- Information Disclosure Statement(s) Filed on : 1. *31 Oct 2005* 2. \_\_\_\_\_ 3. \_\_\_\_\_
- Assignment Document (forwarded to Assignment Branch) 1. \_\_\_\_\_
- Assignee PG Publication Notice
- Substitute Specification Filed on : 1. \_\_\_\_\_ 2. \_\_\_\_\_
- Verified Small Status Statement
- Oath/ Declaration (executed) *31 Oct 2005*
  - unsigned  no citizenship
- DNA Diskette  Sequence Listing

NOTES :  I.A. used as Specification  Other : \_\_\_\_\_

35 U.S.C. 371 - Receipt of Request (PTO-1390)

*20 prints*

Date Acceptable Oath/ Declaration Received

Date of Completion of requirements under 35 U.S.C. 371

Date of Completion of ALL requirements

Date of Completion of DO/ EO 903 - Notification of Acceptance

Date of Completion of DO/ EO 905 - Notification of Missing Requirements

Date of Completion of DO/ EO 909 - Notification of Abandonment

Date of Completion of DO/ EO 916 - Notification of Defective Response

Date of Completion of DO/ EO 922 - Notification to Comply w/ Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures

Date of Completion of DO/ EO 923

*Express Mail# EV414839688US D/par 2005*

## **APPENDIX C**

10/521140  
DT12 Rec'd PCT/PTO 12 JAN 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Eva KONTSEKOVA

Serial No.: To be assigned

Filed: Concurrently Herewith

For: TRUNCATED TAU PROTEINS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: SONN:065US

<u>EXPRESS MAIL MAILING LABEL</u>	
NUMBER	EV 414839688 US
DATE OF DEPOSIT	January 12, 2005

PRELIMINARY AMENDMENT

**MAIL STOP PCT**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 23313-1450

Sir:

Applicants respectfully submit this Preliminary Amendment in the above-referenced case. Consideration of this case in view of the amendments made herein is respectfully requested.

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims are reflected in the listing of the claims beginning on page 3 of this paper.

Remarks begin on page 6 of this paper.

**AMENDMENT**

**In the Specification:**

**At page 1, line 3, please insert the following paragraph:**

--This application is a national phase application under 35 U.S.C. § 371 of International Application No. PCT/EP2003/007389 filed 9 July 2003, which claims priority to Austrian Application No. A 1053/2002 filed 12 June 2002, the contents of which applications are incorporated herein by reference in their entirety.--

**In the Claims:**

Please amend the claims as shown in the following listing of claims, which will replace all prior versions and listings of claims in the application.

1-23. (Canceled)

24. (New) An N- and C-terminally double truncated tau molecule further defined as a type IA tau molecule, type IB tau molecule, type IIA tau molecule, or type IIB tau molecule.

25. (New) The N- and C-terminally double truncated tau molecule of claim 24, further defined as a type IA tau molecule:

having at least the first 236 N-terminal amino acids and at least the last 45 C-terminal amino acids of the 4 repeat containing tau43 truncated;

detectable in Alzheimer's diseased brain tissue but not detectable in normal healthy brain tissue; and

preventing normal tau protein from promoting microtubule assembly in an in vitro microtubule assembly assay, wherein prevention of the promotion of microtubule assembly can be eliminated by specific inhibitory, neutralizing monoclonal antibodies against the molecules in a microtubule assembly assay.

26. (New) The type IA tau molecule of claim 25, further defined as comprising an amino acid sequence of any of SEQ ID NO: 1 to 3.

27. (New) The N- and C-terminally double truncated tau molecule of claim 24, further defined as a type IB tau molecule:

having at least the first 238 N-terminal amino acids and at least the last 40 C-terminal amino acids of the 4 repeat containing tau43 or the first 207 N-terminal amino acids and at least the last 50 C-terminal amino acids of the 3 repeat containing tau44 truncated;

detectable in Alzheimer's diseased brain tissue whereas the molecules are not detectable in normal healthy brain tissue; and

not capable of preventing wild type tau from promoting microtubule assembly in an in vitro microtubule assembly assay.

28. (New) The type IB tau molecule of claim 27, further defined as comprising an amino acid sequence of any of SEQ ID NO: 4 to 10.

29. (New) The N- and C-terminally double truncated tau molecule of claim 24, further defined as a type IIA tau molecule:

having at least the first 68 N-terminal amino acids and at least the last 40 C-terminal amino acids of the 4 repeat containing tau43 or the first 68 N-terminal amino acids and at least the last 20 C-terminal amino acids of the 3 repeat containing tau44 truncated;

detectable in Alzheimer's diseased brain tissue, whereas the molecules are not detectable in normal healthy brain tissue;

having higher microtubule assembly promoting activity than wild type tau in an in vitro microtubule assembly assay, wherein the microtubule assembly promoting activity can be eliminated by specific inhibitory, neutralizing monoclonal antibodies against the molecules in a microtubule assembly assay; and

wherein pathologic activity of the molecule relies on binding to the microtubular network defined by the microtubule polymerization promoting activity.

30. (New) The type IIA tau molecule of claim 29, further defined as comprising the amino acid sequence of any of SEQ ID NO: 11 to 18.

31. (New) The N- and C-terminally double truncated tau molecule of claim 24, further defined as a type IIB tau molecule:

having at least the first 68 N-terminal amino acids and at least the last 40 C-terminal amino acids of the 4 repeat containing tau43 or the first 68 N-terminal amino acids and at least the last 20 C-terminal amino acids of the 3 repeat containing tau44 truncated;

detectable in Alzheimer's diseased brain tissue, whereas the molecules are not detectable in normal healthy brain tissue; and

having a pathological microtubule assembly promoting activity different from wild type tau in an in vitro microtubule assembly assay.

32. (New) The type IIB tau molecule of claim 31, further defined as comprising the amino acid sequence of any of SEQ ID NO: 19 to 20.

33. (New) A transgenic animal expressing a molecule of claim 24.

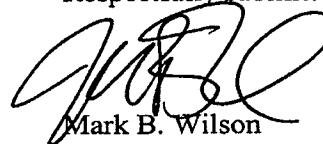
34. (New) A method of screening or testing a candidate compound for utility in the treatment of Alzheimer's disease comprising obtaining a transgenic animal according to claim 33 and using the animal to screen or test the candidate compound.

REMARKS

The specification has been amended to recite the priority data, to cancel claims 1-23 of the PCT application, and to add new claims 24-34. Support for the new claims is found in the specification and claims as originally filed. No new matter is added by this amendment. The filing fee has been calculated after amendment of the claims by the preliminary amendment.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/SONN:065US.

Respectfully submitted,



Mark B. Wilson

Reg. No. 37,259

Attorney for Applicant

(Customer No. 32425)  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3035 (voice)  
512.536.4598 (fax)

Date: January 12, 2005

## **APPENDIX D**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>SONN:065US</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. <b>PCT/EP2003/007389</b>	INTERNATIONAL FILING DATE <b>9 July 2003</b>	PRIORITY DATE CLAIMED <b>12 July 2002</b>
TITLE OF INVENTION <b>TRUNCATED TAU PROTEINS</b>		
APPLICANT(S) FOR DO/EO/US <b>Eva KONSEKOVA</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: (w/Intl. Search Report); 23-page Sequence Listing; Stmt. as Required under 37 CFR 1.821(f); return postcard</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2003/007389		ATTORNEY'S DOCKET NUMBER SONN:065US																
21. The following fees are submitted:				Applicant use	Office use only															
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00				\$ 300.00																
<input checked="" type="checkbox"/> b) Examination fee..... \$200.00				\$ 200.00																
<input checked="" type="checkbox"/> c) Search fee..... \$500.00				\$ 500.00																
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				\$ 1,000.00																
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																				
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE																
- 100 =	/50 =			x \$250.00	\$															
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00																
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																
Total claims	11 - 20 =	0	x \$50.00	\$ 0.00																
Independent claims	3 - 3 =	0	x \$200.00	\$ 0.00																
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$ 0.00															
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,130.00																
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$ 565.00																
<b>SUBTOTAL =</b>				\$ 565.00																
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$																
<b>TOTAL NATIONAL FEE =</b>				\$ 565.00																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$																
<b>TOTAL FEES ENCLOSED =</b>				\$ 565.00																
Amount to be refunded:				\$																
Amount to be charged				\$																
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 565.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1212. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>																				
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																				
SEND ALL CORRESPONDENCE TO:																				
(Customer No. 32425) Mark B. Wilson FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400 Austin, TX 78701 (512) 474-5201																				
<table border="0"> <tr> <td colspan="3">SIGNATURE</td> </tr> <tr> <td colspan="3">Mark B. Wilson</td> </tr> <tr> <td colspan="3">NAME</td> </tr> <tr> <td colspan="3">37,259</td> </tr> <tr> <td colspan="3">REGISTRATION NUMBER</td> </tr> </table>						SIGNATURE			Mark B. Wilson			NAME			37,259			REGISTRATION NUMBER		
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EXPRESS MAIL NO.: EV 414839688 MAILING DATE: January 12, 2005																				